

## SEVENTIETH DAY

(Monday, May 17, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 14, 1971, was dispensed with and the Journal was approved.

## Presentation of Guest

The President presented as his guest and the guest of the Senate today Miss Rita Rhea Ramsey, daughter of former Lieutenant Governor Ben Ramsey and Mrs. Ramsey.

Miss Ramsey served as Honorary Parliamentarian for the day.

## Reports of Standing Committees

Senator Bates submitted the following reports for the Committee on Transportation:

H. B. No. 71.

H. B. No. 1327.

Senator Connally submitted the following reports for the Committee on Parks and Wildlife:

H. B. No. 655 (Floor report).

H. B. No. 332. (Floor report).

Senator Creighton submitted the following reports for the Committee on Water and Conservation:

H. B. No. 827.

H. B. No. 1492.

H. B. No. 1418.

H. B. No. 1414.

H. B. No. 885.

H. B. No. 1119.

Senator Ratliff submitted the following reports for the Committee on Banking:

H. B. No. 416.

S. B. No. 1004.

S. B. No. 1003.

S. B. No. 1002.

S. B. No. 1001.

S. B. No. 1000.

S. B. No. 999.

S. B. No. 998.

S. B. No. 997.

H. B. No. 1409.

Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 1206 (Floor report).

S. B. No. 734. (Amended) (Floor report).

## Senate Bill 602 With House Amendment

Senator Watson called S. B. No. 602 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

## Committee Amendment No. 1

Amend S. B. 602 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Subsection A, Section 3, Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 3. A. It shall be unlawful for any person to distribute, sell, or offer for sale within this State or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any of the following:

"(1) Any economic pesticide which has not been registered pursuant to the provisions of Section 4 of this Act, or any economic pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic pesticide differs from its composition as represented in connection with its registration. Provided, that, in the discretion of the Commissioner, a change in the labeling or formula of an economic pesticide may be made within a registration period if the economic pesticide is registered in conformity with the requirements of this Act for other economic pesticides.

"(2) Any economic pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one through which the required information on the immediate container cannot be clearly read, a label bearing:

"(a) The name and address of the manufacturer, registrant, or person for whom manufactured;

"(b) The name, brand, or trademark under which said article is sold; and

"(c) the net weight or measure of the contents of the container, subject, however, to such reasonable variations as the Commissioner may permit after he consults with the advisory group provided for in Section 5B of this Act. Provided, that in the case of a tank truck used merely to deliver an economic pesticide to the user when the truck does not remain in the user's hands, an invoice with the required labeling information left with the purchaser at the time of delivery of the economic pesticide is permissible in lieu of a label being affixed to the tank.

"(d) The ingredient statement as provided for in Section 2C of this Act.

"(e) Numbers or other symbols which would identify the lot and batch number of the manufacture of the contents of the package."

"(3) Any economic pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in Section 5 of this Act, unless the label shall bear, in addition to any other matter required by this Act:

"(a) The skull and crossbones;

"(b) The word 'poison' prominently, in red, on a background of distinctly contrasting color; and

"(c) A statement of an antidote for the economic pesticide.

"(4) Any economic pesticide that is not distinctly colored or discolored in accordance with such rules and regulations as the Commissioner shall issue pursuant to this Act.

"(5) Any economic pesticide which is adulterated or misbranded, or any device which is misbranded."

Sec. 2. Subsection B, Section 3, Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"B. It shall be unlawful:

"(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or regulations promulgated hereunder, or to add any substance to, or take any substance from, an economic pesticide in a manner that may defeat the purpose of this Act;

"(2) For any person to use for his own advantage or to reveal, other than to the Commissioner or proper officials or employees of the State or to the courts of this State in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of Section 4 of this Act.

"(3) For any person to sell custom mixes without the identification of the purchaser and without an ingredient statement attached as required elsewhere in this Act and so labeled as soon as formulated. The labeling shall be marked with indelible pen or stamp only and may be sold only to those persons whose name

appears on the container and shall not be placed on the shelf for resale."

Sec. 3. Subsection B, Section 4, Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"B. The registrant shall pay the Commissioner an annual registration of thirty dollars (\$30.00) for each economic pesticide registered and provided that:

"(1) All registration fees collected by the Commissioner under this Act shall be paid into the State Treasury by the Commissioner and placed by the State Treasurer in the Special Department of Agriculture Fund, and shall be used only for administrative and enforcement purposes of this Act;

"(2) Any registrant who is located outside the State of Texas but who distributes economic pesticides in the State of Texas shall deposit with the Commissioner an instrument in writing appointing a resident agent within this State upon whom service may be had in actions filed by the State or taken by the Commissioner in the administration or enforcement of this Act.

"(3) The Commissioner is authorized to cancel all registrations of any registrant who fails to comply with the requirements of this Act."

Sec. 4. Subsection D, Section 4, Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"D. The Commissioner may, after notice and hearing, cancel the registration of, or refuse to register any economic pesticide:

"(1) Which has demonstrated serious uncontrollable adverse effects, either within or outside the agricultural environment.

"(2) The use of which is of less public value or greater detriment to the environment than the benefits received by its use; or

"(3) Which, even when properly used, is detrimental to vegetation, except weeds, to domestic animals, to the public health and safety, or

"(4) Concerning which any false or misleading statement is made or implied by the registrant or his agent,

either verbally or in writing, or in the form of any advertising literature; or

"(5) When any registrant of a chemical or pesticide fails to comply with the requirements of the Act or any rule or regulation adopted by the Commissioner."

Sec. 5. Subsection D, Section 5, Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"D. The Commissioner shall furnish upon request a consolidated annual report of the official economic pesticide sample results. The contents of the report are to be determined in a manner which the Commissioner finds most expedient."

Sec. 6. Chapter 23, Acts of the 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended by adding a Section 4a to read as follows:

"Sec. 4a. There is hereby established a pesticide advisory committee composed of the Deans of Agriculture, Texas A&M University, and Texas Tech University, Executive Director of Texas Parks and Wildlife Department, Texas Commissioner of Health, and Texas Commissioner of Agriculture or their designated representatives. The duties of this committee are to advise with the Commissioner of Agriculture to the extent necessary to protect property, animal life and the public health and welfare by recommendations of the best use of pesticides. The Committee would be empowered to call on all State Universities and State agencies as well as outside consultants retained by the State entities to assist in developing recommendations to the Commissioner of Agriculture regarding the feasibility of any pesticide program or other such matters which are submitted to them by the Commissioner of Agriculture."

Sec. 7. Chapter 23, Acts of 58th Legislature, Regular Session, 1963, as amended (Article 135b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 7. Enforcement.

A. The Commissioner shall have authority to enter into any building or place owned, controlled or oper-

ated by a registrant or dealer where, from probable cause it appears that said building or place contains economic pesticides for the purpose of inspection or sampling, and shall have the power to take a sample for official analysis from any package or lot of economic pesticides, including custom mixes, found within this State. The Commissioner shall have the power to issue and enforce a written or printed 'stop-sale' order to the owner or custodian of any economic pesticide which he has reason to believe is in violation of any of the provisions of this Act prohibiting further sale of such economic pesticide until he has evidence that the law has been complied with. Provided, that in respect to the economic pesticide which has been denied sale as provided in this paragraph, the owner or custodian of such economic pesticide shall have the right to appeal from such order to a court of competent jurisdiction where the economic pesticide is found, praying for a judgment as to the justification of said order and the discharge of such economic pesticide from the order prohibiting the sale in accordance with the findings of the court; and provided further that the provisions of this paragraph shall not be construed as limiting the right of the Commissioner to proceed as authorized by other Sections of this Act.

B. In addition to the remedies herein provided, the Commissioner is hereby authorized to institute an action in his own name to enjoin any violation of any provision of this Act.

C. The Commissioner is authorized to contract with State colleges, State agencies or commercial laboratories for examination of economic pesticides provided that such contracts to commercial laboratories are let on a competitive bid basis.

D. The Commissioner shall make or provide for service sample tests of economic pesticides on request, and after consulting with the advisory group as provided for in Section 5B of this Act, he shall fix and collect charges for each service sample on a cost basis.

Sec. 8. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitu-

tional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Watson moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

#### Senate Bill 593 With House Amendment

Senator Harrington called S. B. No. 593 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

#### Committee Amendment No. 1

Amend Senate Bill No. 593 by substituting the figure \$20,000.00 in lieu of the figure \$15,000.00, where it appears in the bill.

The House amendment was read.

Senator Harrington moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—31

Aikin	Beckworth
Bates	Bernal

Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

#### Senate Bill 369 With House Amendments

Senator Mauzy called S. B. No. 369 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Amendment No. 1

Amend S. B. 369, 2nd Printing, page 9, by striking all of Section 13 on line 1 and renumbering all sections thereafter.

#### Amendment No. 2

Amend S. B. No. 369 by adding the following new section immediately following Sec. 14 on page 9, and renumbering the remaining sections: "Sec. 15. This act shall not apply to any county with a population of 25,000 or less as determined by the 1970 Federal Census."

The House amendments were read.

Senator Mauzy moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S. B. No. 369 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Mauzy, Kennard, Jordan, Bridges and Kothmann.

#### Senate Bill 537 With House Amendments

Senator Mauzy called S. B. No. 537 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Committee Amendment No. 1

Amend S. B. No. 537, Section 1, as follows:

1. In Subdivision 3 by placing a comma instead of a period at the end of the second sentence and adding the following words and punctuation: "except that temporary rules for 1972 may be adopted by the State Executive Committee of the party subject to action by the next State Convention as provided in Subdivision 6."

2. In Subdivision 6, by deleting from the first sentence the words and punctuation "the following March 1," and substituting therefor the words and punctuation "30 days prior to the first precinct convention to be held that year, provided that for 1972, the State Executive Committee of the party may adopt temporary rules to be ratified in accordance with this Subdivision."

#### Amendment No. 1

Amend Senate Bill 537, Second Printing by striking the comma following the word "both" as it appears on Line 54 of page 1 and inserting a period in lieu thereof and striking the remaining portion of that sentence as such remainder begins on Line 54 with the word "provided" and ends on Line 56 with the word "conventions".

#### Amendment No. 2

Amend Senate Bill 537, Second Printing, Page 1 on Line 35 by striking the word "makes" and substituting in lieu thereof the word "made".

#### Amendment No. 3

Amend S. B. 537 by adding at the end of subdivision 3 on page 2 the following: "Such rules may provide for amendment by action of the State Party Executive Committee."

**Amendment No. 4**

Amend S. B. No. 537, by striking on lines 47 & 48, page 1 of the second printing the following: "The rules shall prohibit proxy voting within the party at any level."

The House amendments were read.

Senator Mauzy moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S. B. No. 537 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Mauzy, Schwartz, Wallace, Bernal and Patman.

**Bills and Resolution Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

S. B. No. 541.

S. B. No. 738.

S. B. No. 819.

S. B. No. 751.

S. B. No. 329.

S. B. No. 916.

S. B. No. 522 (Signed, subject to the provisions of Article III, Section 49a of the Constitution).

S. B. No. 550.

S. C. R. No. 97.

S. B. No. 213.

**Senate Resolution 1254**

Senator Wilson offered the following resolution:

S. R. No. 1254, Providing for the appointment of an interim committee of the Senate to study the "no-fault" insurance system.

The resolution was read and referred to the Committee on Administration.

**Senate Concurrent Resolution 101**

Senator Wilson offered the following resolution:

S. C. R. No. 101, Providing for the appointment of a special interim committee on Nursing Homes.

The resolution was read and was referred to the Committee on Administration.

**House Bill 451 Re-committed**

On motion of Senator Patman and by unanimous consent, H. B. No. 451 was re-committed to the Committee on County, District and Urban Affairs.

**House Bills on First Reading**

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 145, To Committee on Insurance.

H. B. No. 212, To Committee on Parks and Wildlife.

H. B. No. 261, To Committee on Jurisprudence.

H. B. No. 390, To Committee on Jurisprudence.

H. B. No. 459, To Committee on Water and Conservation.

H. B. No. 463, To Committee on County, District and Urban Affairs.

H. B. No. 578, To Committee on Finance.

H. B. No. 606, To Committee on Water and Conservation.

H. B. No. 607, To Committee on Water and Conservation.

H. B. No. 609, To Committee on Water and Conservation.

H. B. No. 622, To Committee on Jurisprudence.

H. B. No. 651, To Committee on State Affairs.

H. B. No. 661, To Committee on Banking.

H. B. No. 663, To Committee on Public Health.

H. B. No. 849, To Committee on County, District and Urban Affairs.

H. B. No. 858, To Committee on Jurisprudence.

H. B. No. 860, To Committee on Jurisprudence.

H. B. No. 870, To Committee on Water and Conservation.

H. B. No. 952, To Committee on Finance.

H. B. No. 992, To Committee on Labor and Management Relations.

H. B. No. 1002, To Committee on Public Health.

H. B. No. 1021, To Committee on County, District and Urban Affairs.

H. B. No. 1110, To Committee on Water and Conservation.

H. B. No. 1134, To Committee on County, District and Urban Affairs.

H. B. No. 1147, To Committee on Water and Conservation.

H. B. No. 1148, To Committee on Water and Conservation.

H. B. No. 1157, To Committee on Parks and Wildlife.

H. B. No. 1176, To Committee on Finance.

H. B. No. 1184, To Committee on County, District and Urban Affairs.

H. B. No. 1196, To Committee on County, District and Urban Affairs.

H. B. No. 1321, To Committee on Water and Conservation.

H. B. No. 1387, To Committee on Water and Conservation.

H. B. No. 1393, To Committee on County, District and Urban Affairs.

H. B. No. 1541, To Committee on Water and Conservation.

H. B. No. 1599, To Committee on County, District and Urban Affairs.

H. B. No. 1643, To Committee on County, District and Urban Affairs.

H. B. No. 1682, To Committee on State Departments and Institutions.

H. B. No. 1685, To Committee on Water and Conservation.

H. B. No. 1743, To Committee on Water and Conservation.

H. B. No. 1754, To Committee on County, District and Urban Affairs.

H. B. No. 1782, To Committee on Education.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 17, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 460, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas known as 'Luce Bayou Public Utility District,' etc.; and declaring an emergency."

H. B. No. 608, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas known as 'Spring Public Utility District,' etc.; and declaring an emergency."

H. B. No. 646, A bill to be entitled "An Act authorizing cooperation and contracts among political subdivisions of this State; declaring legislative purpose and intent, setting forth the purposes for which contracts can be made and the terms and conditions applying to such contracts; and declaring an emergency."

H. B. No. 665, A bill to be entitled "An Act relating to the area of operation of a county or regional housing authority; amending Section 23c, Chapter 462, Acts of the 45th Legislature, Regular Session, as amended (Article 1269k, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 703, A bill to be entitled "An Act prescribing civil penalties of not to exceed \$100 per day for any wilful violation of any rule, regulation, or order promulgated by the Texas Water Rights Commission which are not in conflict with this chapter and any term or condition

contained in declarations of appropriation and permits heretofore or hereafter granted by the Commission which are not in conflict with this chapter; amending Article 7531, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 709, A bill to be entitled "An Act relating to the Texas Franchise Association Act, declaring a new relationship establishing certain fiduciary obligations between franchisor and franchisee; requiring a certain offering prospectus to be presented by the franchisor before contract entry; making certain franchisors subject to the Texas Business Corporations Act; and declaring an emergency."

H. B. No. 735, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Grant Road Public Utility District'; etc.; and declaring an emergency."

H. B. No. 1004, A bill to be entitled "An Act making it unlawful for officers, employees, and agents of government to disclose information to which they have access by virtue of their employment that is made confidential by law; providing penalties for violation; amending the Penal Code of Texas, 1925, by adding Article 421a; and declaring an emergency."

H. B. No. 1007, A bill to be entitled "An Act authorizing the governing board of any school district to employ security personnel for use in any school within its district, and declaring an emergency."

H. B. No. 1089, A bill to be entitled "An Act requiring of certain public officials records and reports of certain monies received or disbursed by him; prescribing penalties; providing for severability; and declaring an emergency."

H. B. No. 1109, A bill to be entitled "An Act amending Chapter 149, Acts of the 61st Legislature of the State of Texas, Regular Session, 1969 (Article 8280-406, Vernon's Texas Civil Statutes) to provide that land may be annexed to Harris County Utility District No. 3 in the manner provided by Article 7930-2, Section 2, V.T.C.S.; providing a severability clause; and declaring an emergency."

H. B. No. 1131, A bill to be entitled "An Act authorizing county governments in counties having 1,500,000 inhabitants or more, and any political subdivisions within any such county in this state, to contract with each other for the performance of functions of government required or authorized by the constitution or the laws of this state; and declaring an emergency."

H. B. No. 1186, A bill to be entitled "An Act relating to the issuance of solid waste disposal permits by the Texas Water Quality Board and the State Department of Health; amending Subsection (e), Section 4, Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1251, A bill to be entitled "An Act amending Article 6243a of the Revised Civil Statutes of Texas, as amended, by amending Section 15 thereof so as to provide for the ways in which funds accumulated in the Retirement Reserve may be invested; providing a saving clause; and declaring an emergency."

H. B. No. 1386, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article 16, Section 59 of the Constitution of Texas to be known as 'Westcrest Utility District'; etc., and declaring an emergency."

H. B. No. 1250, A bill to be entitled "An Act amending Article 6243a of the Revised Civil Statutes of Texas, as amended, by adding Section 1B thereto, defining 'base pay'; amending Section 3 thereof to provide for a percentage of deduction from wages of each fireman, policeman and fire alarm operator participating in the Pension System, in accordance with the definition of base pay in Section 1B hereof; amending Sections 7, 8, 9, 10, 11 and 13 thereof to specify base pay as defined in Section 1B hereof; providing a saving clause; and declaring an emergency."

H. B. No. 1406, A bill to be entitled "An Act to amend Article 13 of Chapter 1 of the Texas Banking Code of 1943, Acts 48th Legislature by amending numbered paragraph 3 relating to preservation of books and records of banks and the Banking Department; and by adding thereto numbered par-



agraphs 4 and 5 relating to the authority of the Banking Section of the Finance Commission to promulgate rules and regulations; pertaining to permission of state banks to transact their affairs and make investments which they could do were they operating as a National bank; relating to authority to define and determine incidental powers which a state bank may exercise as necessary to its specific powers; providing for severability; providing that all laws or parts of laws which are in conflict with this Act are repealed or modified to the extent of such conflict only; and declaring an emergency."

H. B. No. 1535, A bill to be entitled "An Act authorizing the Parks and Wildlife Department to publish information on state parks, state historic sites, and state scientific areas; authorizing sale of publications; providing for the disposition of funds; and declaring an emergency."

H. B. No. 1548, A bill to be entitled "An Act relating to the district attorney of the 69th Judicial District and his assistants, investigators, and stenographers; and declaring an emergency."

H. B. No. 1630, A bill to be entitled "An Act to permit Palo Pinto County Municipal Water District No. 1 to acquire, construct or improve facilities on land held in fee, leased or otherwise held by the District in Palo Pinto County; and declaring an emergency."

H. B. No. 1654, A bill to be entitled "An Act relating to the levying, assessment, equalization, and collection of maintenance taxes in certain common school districts; and declaring an emergency."

H. B. No. 1671, A bill to be entitled "An Act relating to state purchasing procedures; amending Section 8, Chapter 304, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 664-3, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1678, A bill to be entitled "An Act relating to abolishing the office of county school superintendent in certain counties; and declaring an emergency."

H. B. No. 1688, A bill to be entitled "An Act relating to the salary of the juvenile officer of Dawson County; amending Section 3, Chapter 388, Acts of the 57th Legislature, Regular Session, 1961 (Article 5139MM, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1709, A bill to be entitled "An Act relating to the compensation of employees of the Battleship Texas Commission and its Operating Board; amending Section 13, Chapter 139, Acts of the 50th Legislature, 1947, as amended (Article 6145-2, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1746, A bill to be entitled "An Act relating to the creation of the constitutional office of criminal district attorney for Collin County; abolishing the office of county attorney for Collin County; and declaring an emergency."

H. B. No. 1752, A bill to be entitled "An Act relating to the salaries of the official shorthand reporters for the 16th and 158th Judicial Districts; repealing Chapter 384, Acts of the 59th Legislature, Regular Session, 1965 and Chapter 504, Acts of the 61st Legislature, Regular Session, 1969 (Article 2326j-48, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1753, A bill to be entitled "An Act relating to the compensation of the official shorthand reporters of the 128th and 163rd Judicial Districts; amending Section 1, Chapter 362, Acts of the 59th Legislature, Regular Session, 1965 (Article 2326j-45, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1765, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Orange County, Texas, to be known as Tiger Lake Utility District of Orange County, Texas; etc.; and declaring an emergency."

H. B. No. 890, A bill to be entitled "An Act relating to the fiscal year of the State; amending Article 12, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 1830, A bill to be entitled "An Act relating to and regulating

relationships, direct and indirect, of officers, directors and certain shareholders of insurance companies."

H. C. R. No. 146, Welcoming Mrs. Ceri Wynn Powell.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 800 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 800, A bill to be entitled "An Act relating to pollution control, sewage disposal, and preservation of natural resources by the Lower Colorado River Authority; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 800 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 800 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Motion to Place Senate Bill 123 on Second Reading

Senator Word asked unanimous consent to suspend the regular order of business and take up S. B. No. 123 for consideration at this time.

There was objection.

Senator Word then moved to suspend the regular order of business and take up S. B. No. 123 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—18

Aikin	Harris
Bates	Herring
Beckworth	Hightower
Blanchard	Moore
Brooks	Schwartz
Christie	Sherman
Connally	Snelson
Creighton	Watson
Hall	Word

Nays—13

Bernal	Mauzy
Bridges	McKool
Grover	Patman
Harrington	Ratliff
Jordan	Wallace
Kennard	Wilson
Kothmann	

#### House Bill 827 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent H. B. No. 827 was ordered not printed.

#### Reports of Standing Committee

By unanimous consent, Senator Connally submitted the following reports for the Committee on Parks and Wildlife:

H. B. No. 1157 (Floor report).

H. B. No. 357 (Floor report).

#### Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 413.

#### Senate Bill 627 on Second Reading

The President laid before the Sen-

ate as unfinished business on its second reading and passage to engrossment:

S. B. No. 627 with an amendment by Senator Patman pending (the bill having been read second time on Tuesday, May 11, 1971).

Question—Shall the amendment by Senator Patman be adopted?

(Senator Watson in Chair.)

Senator Moore moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

Yeas—9

Blanchard	Herring
Connally	Moore
Creighton	Ratliff
Grover	Word
Harris	

Nays—22

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Patman
Brooks	Schwartz
Christie	Sherman
Hall	Snelson
Harrington	Wallace
Hightower	Watson
Jordan	Wilson

Question recurring on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote:

Yeas—22

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Patman
Brooks	Schwartz
Christie	Sherman
Hall	Snelson
Harrington	Wallace
Hightower	Watson
Jordan	Wilson

Nays—9

Blanchard	Connally
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Creighton	Moore
Grover	Ratliff
Harris	Word
Herring	

Senator Creighton offered the following amendment to the bill:

Amend S. B. No. 627 by deleting paragraph 2 of Sec. 5.

The amendment was read.

Senator Patman moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—22

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Patman
Brooks	Schwartz
Christie	Sherman
Hall	Snelson
Harrington	Wallace
Hightower	Watson
Jordan	Wilson

Nays—9

Blanchard	Herring
Connally	Moore
Creighton	Ratliff
Grover	Word
Harris	

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 627 by striking Section 7.

The amendment was read.

(President in Chair.)

Senator Patman raised the Point of Order that the amendment was out of order as it seeks to amend a section of the bill previously amended at the same stage of the bill.

The President sustained the Point of Order.

Question—Shall S. B. No. 627 as amended be passed to engrossment? ✓

**Recess**

Senator Moore moved that the Senate take recess until 2:00 o'clock p.m. today.

Question on the motion to take recess until 2:00 o'clock p.m. today, "Yeas" and "Nays" were demanded.

The motion to take recess prevailed by the following vote:

**Yeas—19**

Aikin	Jordan
Bates	Mauzy
Beckworth	Moore
Blanchard	Ratliff
Christie	Sherman
Connally	Snelson
Creighton	Wallace
Grover	Watson
Harris	Word
Herring	

**Nays—12**

Bernal	Kennard
Bridges	Kothmann
Brooks	McKool
Hall	Patman
Harrington	Schwartz
Hightower	Wilson

Accordingly, the Senate at 12:14 o'clock p.m. took recess until 2:00 o'clock p.m. today.

**After Recess**

The Presiding Officer (Senator Jordan in Chair) called the Senate to order at 2:00 o'clock p.m. today.

**Reports of Standing Committees**

By unanimous consent, Senator Creighton submitted the following reports for the Committee on Water and Conservation:

H. B. No. 870.

H. B. No. 1149.

By unanimous consent, Senator Connally submitted the following reports for the Committee on Parks and Wildlife:

H. B. No. 1297 (Floor report).

H. B. No. 212 (Floor report).

H. B. No. 1599 (Floor report).

H. B. No. 1021 (Floor report).

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

S. B. No. 905 (Floor report).

H. B. No. 1627 (Floor report).

By unanimous consent, Senator Ratliff submitted the following report for the Committee on Banking:

H. B. No. 661 (Floor report).

**Committee Substitute****Senate Bill 246 on Second Reading**

Senator Hightower asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 246 for consideration at this time.

There was objection.

Senator Hightower then moved to suspend the regular order of business and take up C. S. S. B. No. 246 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—20**

Aikin	Kothmann
Beckworth	Moore
Bernal	Patman
Blanchard	Ratliff
Creighton	Schwartz
Grover	Sherman
Herring	Snelson
Hightower	Watson
Jordan	Wilson
Kennard	Word

**Nays—6**

Bates	Harrington
Brooks	Mauzy
Connally	McKool

**Absent**

Bridges	Harris
Christie	Wallace
Hall	

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 246, A bill to be entitled "An Act relating to the rule-making authority of the State Board of Dental Examiners; providing penalties; amending Articles 4551d and 4551f, Revised Civil Statutes of Tex-

as, 1925; repealing all laws in conflict; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Bates offered the following amendment to the bill:

Amend the quoted Article 4551d in the Committee Substitute for S. B. 246 by striking the second paragraph, after "Article 4551d," and substituting in lieu thereof the following:

"Article 4551d. The Texas State Board of Dental Examiners is hereby authorized to promulgate procedural rules and regulations only, consistent with the provisions of this Act, to govern the conduct of its business and proceedings. Notwithstanding any other provision of this Act, the board shall not have any power or authority to amend or enlarge upon any provision of this Act by rule or regulation to change the meaning in any manner whatsoever of any provision of this Act or to promulgate any rule or regulation which is in any way contrary to the underlying and fundamental purposes of this Act or to make any rule or regulation which is unreasonable, arbitrary, capricious, illegal, or unnecessary. Notice must be given at least ten (10) days in advance of any meeting called by the Board to consider the adoption of any rule, or regulation, or change therein; such notice as herein provided for shall be accomplished by publication at least once in a newspaper having general circulation in the State of Texas; and before any rule, regulation or change therein is adopted, promulgated, or enforced, it shall be submitted to the Attorney General of the State of Texas for review as to its legality."

The amendment was read.

Senator Hightower moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—23

Aikin	Christie
Beckworth	Creighton
Bernal	Grover
Blanchard	Hall

Harris	Ratliff
Herring	Schwartz
Hightower	Sherman
Jordan	Snelson
Kennard	Watson
Kothmann	Wilson
Moore	Word
Patman	

Nays—7

Bates	Mauzy
Brooks	McKool
Connally	Wallace
Harrington	

Absent

Bridges

The bill was passed to engrossment.

#### Record of Vote

Senator Wallace asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Committee Substitute

##### Senate Bill 246 on Third Reading

Senator Hightower moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 246 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Kennard
Beckworth	Kothmann
Bernal	McKool
Blanchard	Moore
Bridges	Patman
Christie	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Nays—6

Bates	Harrington
Brooks	Mauzy
Connally	Wallace

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Votes**

Senators Bates, McKool, Brooks, Mauzy and Wallace asked to be recorded as voting "Nay" on the final passage of the bill.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 17, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1401, A bill to be entitled "An Act relating to the designation, authority, and regulation of regional historical resource depositories; and declaring an emergency."

H. B. No. 1527, A bill to be entitled "An Act relating to the location, operation, and maintenance of The University of Texas of the Permian Basin; amending Sections 1, 2, and 4 of Chapter 459, Acts of the 61st Legislature, Regular Session, 1969 (Article 2606c-4, Vernon's Texas Civil Statutes); providing for severability; repealing laws in conflict, and declaring an emergency."

H. B. No. 199, A bill to be entitled "An Act relating to the establishment, organization and control of the University of Houston at Clear Lake City; and declaring an emergency."

H. B. No. 318, A bill to be entitled "An Act relating to the compensation to which firemen and policemen in certain cities are entitled; amending Section 1, Chapter 143, Acts of the 50th Legislature, 1947, as amended (Article 1583-2, Vernon's Texas Penal Code); and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 372 by vote of 142 Ayes, 0 Noes, 1 present not voting.

The House has concurred in Senate amendments to House Bill 614 by non-record vote.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate

Bill No. 460. House Conferees: Jones of Lubbock, Clayton, Short, Williamson, Moore of Hill.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 537. House Conferees: Cobb, Wayne, Parker of Denton, Finnell, Stroud.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 379. House Conferees: Cruz, Williams, Nelms, Ogg, Swanson.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Senate Bills on First Reading**

Senator Kennard moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit the introduction at this time, the following bills, the provisions of which were explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The following bills were then introduced, read first time and referred to the Committees indicated:

By Senator Wilson:

S. B. No. 1015, A bill to be entitled "An Act providing for the creation of the Henderson County Hospital District over all of Henderson County, Texas; providing that the district shall assume any outstanding debt of Henderson County incurred for hospital purposes and any outstanding

debt incurred by any city or town within said county for such purpose; prescribing a procedure for an election on the creation of such district and the levy of a tax for its maintenance, support, and payment of indebtedness; providing the powers of the district and its governing body and its procedures in the governing of said district; enacting other provisions incident and related to the subject and purpose; and declaring an emergency."

To Committee on County, District, and Urban Affairs.

By Senator Bridges:

S. B. No. 1016, A bill to be entitled "An Act amending Section 1, Acts of 1969, 61st Legislature, Page 1845, Chapter 618, now codified as Article 49.03 of the Texas Code of Criminal Procedure by adding thereto a provision permitting under certain circumstances the Commissioners Court of one county to defray the expenses of an autopsy performed in a different county, as well as the expense of the transportation of dead bodies to the County where the autopsy is to be performed; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Bernal:

S. B. No. 1017, A bill to be entitled "An Act relating to the transportation of certain agricultural workers within the state; amending Chapter 421, Acts of the 61st Legislature, Regular Session, 1969 (Article 911g, Vernon's Texas Civil Statutes); providing a penalty; and declaring an emergency."

To Committee on Labor and Management Relations.

By Senator Kennard:

S. B. No. 1018, A bill to be entitled "An Act providing for an inventory of all land uses within the State of Texas; authorizing and directing the Land Commissioner to contract with such personnel or firms as may be necessary to take such inventory, and declaring an emergency."

To Committee on State Departments and Institutions.

#### Bills and Resolutions Signed

The President signed in the pres-

ence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 41.

H. C. R. No. 63.

H. C. R. No. 139.

H. C. R. No. 143.

H. C. R. No. 144.

H. B. No. 363.

H. B. No. 380.

H. B. No. 389.

H. B. No. 1403.

H. B. No. 986.

H. B. No. 425.

H. B. No. 305.

H. B. No. 172.

H. B. No. 625.

H. B. No. 542.

H. B. No. 1638.

H. B. No. 483.

H. B. No. 1226.

H. B. No. 282.

H. B. No. 833.

H. B. No. 616.

H. B. No. 615.

H. B. No. 197.

H. B. No. 491.

H. B. No. 492.

H. B. No. 672.

H. B. No. 933.

H. B. No. 446.

H. B. No. 854.

H. B. No. 428.

H. B. No. 1858.

H. B. No. 824.

H. B. No. 1339.

#### Senate Bill 627 on Second Reading

The Senate resumed the consideration of pending business, same being S. B. No. 627 on its second reading and passage to engrossment.

Question—Shall S. B. No. 627 as amended be passed to engrossment?

Senator Harris offered the following amendment to the bill:

Amend Sec. 9 of S. B. 627 by striking the following on page 2, lines 22 and 23:

“with the exception of the individual institutions of higher learning.”

The amendment was read.

On motion of Senator Aikin and by unanimous consent, further consideration of S. B. No. 627 was postponed until Friday, May 21, 1971, at 10:00 o'clock a.m.

Question—Shall the amendment by Senator Harris to S. B. No. 627 be adopted?

#### Report of Standing Committee

By unanimous consent, Senator Brooks submitted the following report for the Committee on State Departments and Institutions:

S. B. No. 1018 (Floor report).

(President in Chair.)

#### Committee Substitute Senate Bill 648 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 648, A bill to be entitled “An Act amending Article 3930 (b), Revised Civil Statutes of Texas, 1925, as amended, relating to fees which county clerks and clerks of county courts shall receive for their services; containing a repealing clause, repealing all laws and parts of laws in conflict to the extent of conflict only, with the provisions of this Act; containing a severability clause; and declaring an emergency.”

The bill was read second time and passed to engrossment.

#### Committee Substitute Senate Bill 648 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three

several days be suspended and that C. S. S. B. No. 648 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Nays—1

Aikin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Committee Substitute Senate Bill 649 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 649, A bill to be entitled “An Act to amend Article 3930, Revised Civil Statutes of Texas, 1925, as amended, relating to fees which county clerks and county recorders shall receive for their services; containing a repealing clause repealing all laws and parts of laws in conflict, to the extent of conflict only, with the provisions of this Act; containing a severability clause; and declaring an emergency.”

The bill was read second time and passed to engrossment.

#### Committee Substitute Senate Bill 649 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three



several days be suspended and that C. S. S. B. No. 649 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 1706, To Committee on Transportation.

H. B. No. 460, To Committee on Water and Conservation.

H. B. No. 608, To Committee on Water and Conservation.

H. B. No. 646, To Committee on State Departments and Institutions.

H. B. No. 665, To Committee on County, District and Urban Affairs.

H. B. No. 703, To Committee on Water and Conservation.

H. B. No. 709, To Committee on Jurisprudence.

H. B. No. 735, To Committee on Water and Conservation.

H. B. No. 890, To Committee on Finance.

H. B. No. 1004, To Committee on Jurisprudence.

H. B. No. 1007, To Committee on Education.

H. B. No. 1089, To Committee on State Affairs.

H. B. No. 1109, To Committee on Water and Conservation.

H. B. No. 1131, To Committee on County, District and Urban Affairs.

H. B. No. 1186, To Committee on Water and Conservation.

H. B. No. 1250, To Committee on County, District and Urban Affairs.

H. B. No. 1251, To Committee on County, District and Urban Affairs.

H. B. No. 1386, To Committee on Water and Conservation.

H. B. No. 1406, To Committee on Banking.

H. B. No. 1535, To Committee on Parks and Wildlife.

H. B. No. 1548, To Committee on County, District and Urban Affairs.

H. B. No. 1630, To Committee on Water and Conservation.

H. B. No. 1654, To Committee on County, District and Urban Affairs.

H. B. No. 1671, To Committee on County, District and Urban Affairs.

H. B. No. 1678, To Committee on County, District and Urban Affairs.

H. B. No. 1688, To Committee on County, District and Urban Affairs.

H. B. No. 1709, To Committee on State Departments and Institutions.

H. B. No. 1746, To Committee on County, District and Urban Affairs.

H. B. No. 1752, To Committee on County, District and Urban Affairs.

H. B. No. 1753, To Committee on County, District and Urban Affairs.

H. B. No. 1765, To Committee on Water and Conservation.

H. B. No. 1830, To Committee on Insurance.

H. B. No. 318, To Committee on County, District and Urban Affairs.

H. B. No. 1401, To Committee on State Departments and Institutions.

**House Bill 1176 Re-Referred**

On motion of Senator Bernal, and by unanimous consent, H. B. No. 1176 was withdrawn from the Committee on Finance and re-referred to the Committee on Education.

**Reports of Standing Committees**

By unanimous consent, Senator Blanchard submitted the following reports for the Committee on Insurance:

C. S. S. B. No. 745 (Read first time) (Floor report).

C. S. S. B. No. 746 (Read first time) (Floor report).

By unanimous consent, Senator Creighton submitted the following reports for the Committee on Water and Conservation:

S. B. No. 991.

H. B. No. 1147.

H. B. No. 1148.

H. B. No. 246.

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

S. B. No. 904 (Floor report).

H. B. No. 849 (Floor report).

H. B. No. 1754 (Floor report).

H. B. No. 1705 (Floor report).

H. B. No. 839 (Floor report).

H. B. No. 318 (Floor report).

H. B. No. 665 (Floor report).

By unanimous consent, Senator Ratliff submitted the following report for the Committee on Banking:

H. B. No. 1406 (Floor report).

**Senate Concurrent Resolution 99**

Senator Bridges offered the following resolution:

S. C. R. No. 99, Authorizing Enrolling Clerk to make certain corrections in S. B. No. 859.

The resolution was read.

On motion of Senator Bridges and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Bill 360 With House Amendments**

Senator Watson called S. B. No. 360 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

**Committee Amendment No. 1**

Amend Section 1 of Senate Bill 360 to read and provide as follows:

"Section 1. Section 1 (4) (a) and (d), Article 3.50 of the Texas Insurance Code, as amended by Section 1, Chapter 247, Acts of the 54th Legislature, 1955, are amended to read as follows:

"(a) The debtors eligible for insurance under the policy shall all be members of a group of persons numbering not less than fifty (50) at all times, who become borrowers, or purchasers of securities, merchandise, or other property, under agreement to repay the sum borrowed or to pay the balance of the price of the securities, merchandise or other property purchased, to the extent of their respective indebtedness, but not to exceed Ten Thousand Dollars (\$10,000.00) on any one life; provided however the face amount of any loan or loan commitment, totally or partially executed, made to a debtor for educational purposes or to a debtor with seasonal income by a creditor in good faith for general agricultural or horticultural purposes, secured or unsecured, where the debtor becomes personally liable for the payment of such loan, may be so insured in an initial amount of such insurance not to exceed the total amount repayable under the contract of indebtedness and, when such indebtedness is repayable in substantially equal installments, the amount of insurance shall at no time exceed the scheduled or actual amount of unpaid indebtedness, whichever is greater, and such insurance on such credit commitments not exceeding one year in duration may be written up to the amount of the loan commitment on a non-decreasing or level term plan, but such insurance shall not exceed Twenty-Five Thousand Dollars (\$25,00.00) on any one life."

"(d) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment; provided that in the case of a debtor for educational purposes or to a debtor with seasonable income, under a loan or loan commitment for general agricultural or horticultural purposes of the type described in paragraph (a), the insurance in excess of the indebtedness to the creditor, if any shall be payable to the estate of the debtor or under the provision of a facility of payment clause."

#### Committee Amendment No. 2

Amend the caption of Senate Bill 360 by striking all above the Enacting Clause and inserting in lieu thereof of the following:

#### "A BILL TO BE ENTITLED

An Act limiting the amount of group life insurance which may be issued to a creditor to insure educational, agricultural, or horticultural debtors; amending Sections 1(4)(a) and (d), Article 3.50, of the Texas Insurance Code, as amended; and declaring an emergency."

The House amendments were read.

Senator Watson moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

(Senator Creighton in Chair.)

#### Senate Bill 778 on Second Reading

Senator Hall asked unanimous consent to suspend the regular order of business and take up S. B. No. 778 for consideration at this time.

There was objection.

Senator Hall then moved to suspend the regular order of business and take up S. B. No. 778 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Schwartz
Grover	Sherman
Hall	Wallace
Harrington	Watson
Herring	Wilson

Nays—9

Blanchard	Patman
Connally	Ratliff
Creighton	Snelson
Harris	Word
Moore	

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 778, A bill to be entitled "An Act to authorize and provide for union recognition and collective bargaining for firefighters employed by cities, towns, and other political subdivisions of the State; etc.; and declaring an emergency."

The bill was read second time.

(Senator Kennard in Chair.)

(President in Chair.)

Senator Connally offered the following amendment to the bill:

Amend S. B. No. 778 by deleting Sec. 5 and renumbering the following sections in sequence.

The amendment was read.

Pending discussion by Senator Connally of the amendment, Senator Patman occupied the Chair.

(President in Chair.)

Pending further discussion by Senator Connally of the amendment, Senator Snelson occupied the Chair.

Senator Connally offered the following substitute for the amendment to the bill:

Amend Senate Bill 778 by striking all of Sections 5 and 6 and inserting the following:

Section 5. Recognition of bargaining agent.

The firefighters of any city, town or other political subdivision, excluding the chief of the department shall by a majority vote of all paid firefighters, for the purposes of this Act, select a representative who shall be recognized by any city, town or political subdivision as the sole and exclusive agent to negotiate wages and other matters of public interest and such status shall continue until withdrawn by a majority of the paid firefighters. Such person so selected by the paid firefighters shall have no affiliation with any labor organization, nor shall he ever have had such an affiliation. In the event of a question as to whether or not such person selected is the majority representative of the firefighters in a department, such question concerning representation shall be resolved by a fair election conducted according to procedures agreeable to the parties. But if the parties are unable to agree on such procedures, either party may request the American Arbitration Association to conduct the election and to certify the results thereof. Should the American Arbitration Association not be available for this purpose, the election shall be conducted and certified by such other agency or person as may be designated by the presiding State District Judge of the Judicial District in which the fire department is located. Certification of the results of an election held pursuant to this section shall resolve the question concerning representation. The public employer shall be responsible for the expenses of the election.

Section 6. Obligation to bargain in good faith.

(a) Whenever the firefighters of a city, town or other political subdivision of the State are represented by an agent selected in accordance with Section 5 of this Act, the public employer and such agent shall be obligated to bargain collectively.

(b) For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the public employer and the agent selected to meet at reasonable time and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

(c) The agent or the public employer may designate any person or persons to negotiate or bargain on its behalf; and the parties may utilize mediation, pursuant to Section 8 of this Act, to assist them in arriving at an agreement.

(d) Whenever wages, rates of pay, or any other matter requiring appropriation of money by any governing body are included as a matter for collective bargaining pursuant to this Act, it shall be the obligation of the agent to serve written notice of request for such collective bargaining on the public employer at least 120 days before the conclusion of the current fiscal operating budget.

The substitute for the amendment was read and was adopted.

The amendment as substituted was then adopted.

Senator Connally offered the following amendment to the bill:

Amend Senate Bill 778, Sections 7, 8, 11, 15 and 16 by striking the words "labor organization" and inserting therefor the following words, "agent selected pursuant to Section 5 of this Act."

The amendment was read and was adopted.

#### Record of Votes

Senators Kennard and Bernal asked to be recorded as voting "Nay" on the adoption of the above amendment.

On motion of Senator Hall and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Votes

Senators Moore, Creighton, Grover, Harris, Ratliff and Snelson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### Senate Bill 778 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 778 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—22

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Schwartz
Christie	Sherman
Connally	Snelson
Grover	Wallace
Hall	Watson
Herring	Wilson

#### Nays—5

Creighton	Patman
Harris	Ratliff
Moore	

#### Absent

Bridges	Hightower
Harrington	Word

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Ratliff, Moore, Creighton, Grover, Harris and Snelson asked to be recorded as voting "Nay" on the final passage of the bill.

#### Memorial Resolutions

S. C. R. No. 100—By Senator Brooks: Memorial resolution for Mrs. Verna Rogers. (Amended.)

S. R. No. 1244—By Senator Watson: Memorial resolution for Mrs. Sallie Beth Wilson.

S. R. No. 1245—By Senator Watson: Memorial resolution for Mrs. Lila Grace Sullins.

S. R. No. 1246—By Senator Watson: Memorial resolution for Daily Albert Hibbard.

S. R. No. 1247—By Senator Watson: Memorial resolution for Mrs. Loreta Wiley.

S. R. No. 1248—By Senator Watson: Memorial resolution for James Kenneth Alton.

S. R. No. 1249—By Senator Watson: Memorial resolution for Mrs. Louise Soukup.

S. R. No. 1251—By Senator Blanchard: Memorial resolution for Ed P. Wilson.

S. R. No. 1252—By Senator Blanchard: Memorial resolution for Danny Earl Bryant.

S. R. No. 1260—By Senator Wilson: Memorial resolution for Private First Class Peter Louis Winter.

#### Welcome and Congratulatory Resolutions

H. C. R. No. 146—Welcoming Mrs. Ceri Wynn Powell.

S. R. No. 1238—By Senator Harrington: Extending congratulations to members and coaches of the Port Arthur Lincoln High School track team.

S. R. No. 1239—By Senator Harrington: Extending commendation to Everett Brashear, Sr., for his dedication for the preservation of fields, streams and marshes of Texas.

S. R. No. 1240—By Senator Mauzy: Urging the Texas Department of Public Safety and other law enforcement agencies to develop public relations to create a positive image and support for law enforcement.

S. R. No. 1241—By Senator McKool: Extending congratulations to a group of students from H. Grady Spruce High School of Dallas for their scholastic records.

S. R. No. 1242—By Senator Watson: Extending welcome to James Blair Morgan of Charleston, Missouri.

S. R. No. 1243—By Senator Watson: Extending commendation to Charlie Tuna for his efforts in helping the needy children of Waco.

S. R. No. 1250—By Senator Blanchard: Extending commendation to Kathryn Ann Baker for her outstanding scholastic abilities.

S. R. No. 1253—By Senator Blanchard: Extending commendation to Dr. Milton L. Smith of Texas Tech for his contribution to higher education.

S. R. No. 1255—By Senator Wilson: Extending congratulations to Mr. and Mrs. Clint Hawkins on their retirement from the Lufkin Independent School District.

S. R. No. 1256—By Senator Wilson: Extending congratulations to Air Force Major Donald G. Rose, awarded Distinguished Flying Cross in Vietnam.

S. R. No. 1257—By Senator McKool: Extending congratulations to Kassie Louise Duncan for her award-winning project in the Dallas Regional Science Fair.

S. R. No. 1258—By Senator Wilson: Extending commendation to members of the San Augustine Wolves basketball team.

S. R. No. 1259—By Senator Wilson: Extending commendation to State Trooper Jim Asbury of Virginia.

S. R. No. 1261—By Senator Hightower: Extending welcome to Mr. and Mrs. Don Bradford and son, Chris.

S. R. No. 1262—By Senator Watson: Extending welcome to Ted Myatt.

#### Adjournment

On motion of Senator Aikin the Senate at 4:50 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

#### APPENDIX

##### Sent to Governor

May 17, 1971

S. B. No. 541  
S. B. No. 738  
S. B. No. 819  
S. B. No. 751  
S. B. No. 329  
S. B. No. 916  
S. B. No. 550  
S. C. R. No. 97

S. B. No. 213

S. B. No. 413

Sent to Comptroller

S. B. No. 522

#### SEVENTY-FIRST DAY

(Tuesday, May 18, 1971)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by Senator Aikin.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Blanchard and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Communication From Lieutenant Governor

THE STATE OF TEXAS  
OFFICE OF THE  
LIEUTENANT GOVERNOR  
AUSTIN

May 18, 1971.

Senator A. M. Aikin, Jr.  
Texas State Senate  
Capitol Building  
Austin, Texas 78711

Dear Senator Aikin:

I hereby authorize you to preside over the Senate Tuesday, May 18, 1971.

Sincerely,  
BEN BARNES